

**MINUTES**

**OF THE**

**JULY 18, 2019 REGULAR BUSINESS MEETING**



**OF THE**

**OKLAHOMA WORKERS' COMPENSATION COMMISSION**

## **STATEMENT OF OKLAHOMA OPEN MEETING ACT COMPLIANCE**

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 15, 2018 at 4:02 p.m., in compliance with the Open Meeting Act.

The agenda was posted at least 24 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 N. Stiles Ave., Oklahoma City, Oklahoma, the Commission's principal office.

### **MINUTES OF THE JULY 18, 2019 REGULAR BUSINESS MEETING OF THE OKLAHOMA WORKERS' COMPENSATION COMMISSION**

The members of the Oklahoma Workers' Compensation Commission met at 1915 N. Stiles Ave., 2<sup>nd</sup> floor, Oklahoma City, Oklahoma, on July 18, 2019.

Members present: Chairman Mark Liotta, Commissioner Jordan Russell, and Commissioner Megan Tilly.

Others Present: Executive Director Hopper Smith, WCC; Sarah McMurray, WCC; Dana Esparza, WCC; Collin Fowler, WCC; Eric Russell, WCC; Andrea Delling, WCC; and James Lawson, WCC.

Chairman Liotta expressed appreciation for those in attendance. After the roll was taken, he announced the presence of a quorum. The meeting was called to order at approximately 1:30 p.m.

#### **1. Approval of Minutes**

The drafted minutes of the June 14, 2019; June 20, 2019; and July 10, 2019, public meetings of the Commission were considered for approval.

**Motion:** Commissioner Tilly moved to approve the minutes of the June 14, 2019; June 20, 2019; and July 10, 2019, public meetings.

**Second:** Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

#### **2. Discussion and Consideration of Requesting an Audit of the Commission by the Office of the State Auditor and Inspector**

The Commission considered requesting a performance audit in accordance with 74 O.S. § 213.2.

Andrea Delling was recognized, reported, gave her recommendation, and responded to questions of the Commissioners.

**Motion:** Commissioner Tilly moved to continue this agenda item.

**Second:** Commissioner Russell

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

### **3. Discussion and Consideration of Current Commission Policies**

The Commission discussed and considered adopting and/or modifying the following policy:

- a) WCC-5 – Performance Management Policy

**Motion:** Commissioner Tilly moved to approve WCC-5 – Performance Management Policy.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

### **4. Consent Agenda for Travel Vouchers Currently Outstanding**

85A O.S. § 23 states that any Commissioner or employee of the Commission shall be entitled to receive his or her necessary traveling expenses as provided in the State Travel Reimbursement Act. The expenses shall be certified by the person who incurred them and shall be allowed and paid on presentation of vouchers approved by the Commission. In accordance with this section, the Commission considered a vote to approve the currently outstanding vouchers.

**Motion:** Commissioner Russell moved to approve the Consent Agenda as presented.

**Second:** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

**The motion carried.**

**5. Discussion and Consideration Regarding Potential Revisions to the Commission Responsibility Memo**

On June 26, 2017, the Commission's Executive Director circulated a memo detailing the responsibilities of the Chairman and of the Commission as a whole. The Commission discussed and considered revising the memo to reflect changes to the agency that have been made within the intervening time frame.

Sarah McMurray was recognized, reported, gave her recommendation, and responded to questions of the Commissioners.

***Motion:*** Commissioner Tilly moved to continue this agenda item.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

***The motion carried.***

**6. Discussion and Consideration of the Assessment Rate for the Multiple Injury Trust Fund**

On March 14, 2019, the Commission voted to establish the MITF assessment rate provided for in 85A O.S. § 31 at six percent (6.00%). Pursuant to House Bill 2367 § 60, the Commission "may amend its previously determined [MITF assessment] rate on or after July 1, 2019" to an amount not to exceed seven percent (7.00%). The bill provides that any amended rate shall be in effect beginning October 1, 2019 and through the remainder of fiscal year 2020.

Sarah McMurray was recognized, reported, gave her recommendation, and responded to questions of the Commissioners.

***Motion:*** Commissioner Tilly moved to amend the assessment rate from 6% to 7%, as presented.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly

***The motion carried.***

**7. Possible Executive Session Pursuant to Title 25 O.S., § 307(B)(1) and (B)(4)**

**A. Motion and Vote to enter into Executive Session.**

**Motion:** Commissioner Tilly moved to enter into Executive Session.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

1. The Commission discussed, the employment, performance, and salary of each individual Commission employee pursuant to 25 O.S. § 307(B)(1).
2. The Commission discussed the Performance Management Process forms of the General Counsel, Medical Director, and Chief ALJ positions, as they are supervised by all three Commissioners.
3. The Commission discussed the hiring of Candidate A, B, C, D, E, or F and an appropriate salary for the position of Administrative Law Judge pursuant to Section 307(B)(1).
4. The Commission discussed a pending action under 25 O.S. § 307(B)(4) to draft a Memorandum of Understanding with the Court of Existing Claims to effectuate the provisions of House Bill 2367.

**B. Motion and Vote to Reconvene in Open Session.**

**Motion:** Commissioner Tilly moved to reconvene into Open Session.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

**MOTIONS ARISING FROM EXECUTIVE SESSION**

8. **The Commission discussed, the employment, performance, and salary of each individual Commission employee pursuant to 25 O.S. § 307(B)(1)**

**Motion:** Commissioner Tilly moved to adjust the salaries of each Commission employee as discussed in Executive Session.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

9. **The Commission discussed the Performance Management Process forms of the General Counsel, Medical Director, and Chief ALJ positions, as they are supervised by all three Commissioners**

**Motion:** Commissioner Tilly moved to continue the PMP forms to the next Business Meeting.

**Second:** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried.**

10. **The Commission discussed the hiring of Candidate A, B, C, D, E, or F and an appropriate salary for the position of Administrative Law Judge pursuant to Section 307(B)(1)**

**Motion:** Commissioner Russell moved to continue the hiring of a new ALJ to the next Business Meeting.

**Second:** Commissioner Tilly.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**The motion carried**

11. **The Commission discussed a pending action under 25 O.S. § 307(B)(4) to draft a Memorandum of Understanding with the Court of Existing Claims to effectuate the provisions of House Bill 2367**

*There was no action taken on this agenda item.*

**12. Announcements**

The Commission's next regularly scheduled appeals meeting is on Friday, July 19, 2019. The Commission's next regularly scheduled business meeting is on Thursday, August 15, 2019.

**ADJOURNMENT.....Chairman Mark Liotta**

***Motion:*** Commissioner Tilly moved to adjourn.

***Second:*** Commissioner Russell.

Those voting aye: Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

***The motion carried. The meeting adjourned.***